



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J.W. Kear Attorney Docket No.: BSME122184
Application No.: 10/757,763 Art Unit: 3739 / Confirmation No.: 4239
Filed: January 14, 2004 Examiner: M.F. Peffley
Title: DUAL SHORT THROW ADVANCER/RETRACTOR

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS:

SciMed Life Systems, Inc., a Minnesota corporation, having a principal place of business at One Scimed Place, Maple Grove, Minnesota 55311-1566, represents that it is the owner of the entire right, title, and interest in the above-identified patent application by an assignment from the inventor(s) of the above-identified patent application. The assignment was recorded in the U.S. Patent and Trademark Office; a copy of the document is attached.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,736,812, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,736,812, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,736,812 in the event that said prior U.S. Patent No. 6,736,812 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

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Our Check No. 172842 in the sum of \$130 for the terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SciMed Life Systems, Inc.

Nov. 1, 2006

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